

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
ANDRE M. DAVIS  
UNITED STATES DISTRICT JUDGE

U.S. COURTHOUSE  
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October 9, 2001

MEMORANDUM TO COUNSEL RE:

Shreve v. Sears, Roebuck & Co.  
Civ. No. AMD 00-2162

FILED  
10 OCT 9 2001  
CLERK U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
DEPUTY


This will acknowledge plaintiffs' motion for reconsideration filed on October 5, 2001. I further understand from Judge Bedar that the case did not settle despite your best efforts both before and during the October 5, 2001, ADR proceedings, although some progress was made.

In any event, defendants should respond to the motion for reconsideration in accordance with the normal timeline for a motion response. *I am constrained to observe, however, that it seems obvious to me the appropriate remedy for a party's (alleged) failure to prepare adequately a corporate designee certainly is not to seek exclusion of that witness, whether or not he or she happens also to qualify as (or will be tendered as) an expert witness under Fed.R.Evid. 702.* Frankly, defendants' assertion that the aspect of the plaintiffs' "Motion to Conditionally Strike Defendants' Experts" relating to inadequate preparation was "specious," see Defs.' Opp. at 6, is not too far of the mark.

Please note your calendars: the case is scheduled for trial during the two week period beginning January 7, 2002. A date for a pre-trial conference will be set in due course.

Despite the informal nature of this letter, it is an Order of Court and the Clerk shall docket it as same.

Very truly yours,



Andre M. Davis  
United States District Judge

AMD:tt  
cc: Court file

